

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADobe SYSTEMS INCORPORATED,

No. C 10-2769 CW

Plaintiff,

ORDER GRANTING
DEFENDANTS' MOTION
TO FILE UNDER SEAL
(Docket No. 216)

V.

HOOPS ENTERPRISE LLC; and ANTHONY KORNKRUMPF,

Defendants.

AND ALL RELATED CLAIMS

Defendants Hoops Enterprise LLC and Anthony Kornrumpf seek leave to seal portions of their supplemental brief in opposition to the motion for partial summary judgment filed by Plaintiff Adobe Systems Inc., portions of the supplemental Kornrumpf and Boyce declarations and Exhibit D to the Boyce Declaration, and the entirety of Exhibit E to the Boyce declaration. Defendants have already filed a redacted version of their supplemental brief, the Kornrumpf and Boyce declarations and Exhibit D in the public record. Docket No. 215.

Defendants' filings are connected to a dispositive motion. To establish that the documents are sealable, they "must overcome a strong presumption of access by showing that 'compelling reasons supported by specific factual findings . . . outweigh the general history of access and the public policies favoring disclosure.'"

Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679 (9th Cir. 2010) (citation omitted). This cannot be established simply by showing

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1 that the documents are subject to a protective order or by stating
2 in general terms that the material is considered to be
3 confidential, but rather must be supported by a sworn declaration
4 demonstrating with particularity the need to file each document
5 under seal. Civil Local Rule 79-5(a).

6 The Court has previously granted leave to file under seal a
7 settlement agreement, which the parties had executed to settle
8 prior litigation between them and had agreed to keep confidential
9 as part of the terms of settlement, and other documents that
10 excerpted or referenced the terms of that settlement agreement.
11 See, e.g., Docket Nos. 150, 193, 201, 210. Defendants represent
12 that Exhibit E contains a copy of the settlement agreement, and
13 that the portions of the other documents that they seek to seal,
14 including the supplemental brief, Boyce and Kornrumpf declarations
15 and Exhibit D, contain excerpts and references to the terms of
16 that settlement agreement. Boyce Decl. ¶¶ 5-8. Having reviewed
17 these documents, the Court finds that Defendants have established
18 that they are sealable.

19 For the reasons set forth above, the Court GRANTS Defendants'
20 motion to file under seal (Docket No. 216). Within four days of
21 the date of this Order, Defendants shall file under seal their
22 unredacted supplemental brief, the Boyce and Kornrumpf
23 declarations and Exhibits D and E to the Boyce declaration.

24 IT IS SO ORDERED.

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26 Dated: 6/11/2012
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CLAUDIA WILKEN
United States District Judge